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| EXAMINER |
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HOANG, PHUONG N

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| ART UNIT | PAPER NUMBER |
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2194

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,203

Applicant(s)

BAIRD ET AL.

Examiner

Phuong N. Hoang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/7/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. Claims 1 – 34 are pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim languages are not clearly understood:
 - i. As to claim 1, at lines 3 – 6, it is not clearly understood what the term “sending a service request to a device” means (i.e. sending a response request to a device). At lines 5 – 6, a device is the device to be serviced. Therefore, how to make a service request to a device that is to be serviced. For examination purpose, examiner treats the phrase as sending a response to the device.
 - ii. As to claim 2, it is the dependent claim of claim 1. It is rejected for the same reason above.

iii. As to claim 3, it is not clearly understood that “checking an amount of time that a manager device **took** to service another device” means. If the fact that the service already **took** place, while the determination need to make to know whether the manager device is the desired manager of the other device. The whole claim does not make sense, and it does not support by the specification. As disclosed in the specification (page 7), the amount taken to service refers to the amount of time that elapses when sending the service request and receiving the operation.

iv. As to claims 4 – 7, they are dependent claims of claim 3. They are rejected for the same reason above.

v. As to claim 8, at lines 5 – 10, “desired manager” is indefinite. How a device to be defined as “desired” (available immediately or high speed).

vi. As to claims 9 – 21, they are the dependent claims of claim 8. They are rejected for the same reason above.

vii. As to claim 22, at lines 11 - 13, it is not clearly understood what device manager means (it is the different with manager device of all other claims). The naming convention is confusing. Examiner suggests that the name convention should be clearly identified one element to another.

viii. As to claims 23 – 32, they are the dependent claims of claim 22. They are rejected for the same reason above.

ix. As to claims 33 - 34, they are the system claims of claim 3. They are rejected for the same reason above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mastie, US patent no. 6,515,756 in view of Yanagidaira, US patent no. 6,490,052.**

6. **As to claim 1**, Mastie teaches a method, implemented by a computing device, the method comprising the step of:

determining (determining the type of printer daemon to use,.....available in one of the controllers 8a, b, c, col. 5 lines 50 – 60), based at least in part on an amount of time taken to service the device, whether the computing device is to be identified as typically servicing the device.

Mastie does not explicitly teach the step of sending a service request to a device, wherein the service request is a request for data relating to the operation of the device.

Yanagidaira teaches the step of sending a service request to a device, wherein the service request is a request for data relating to the operation of the device (sends the operating and setting states of based on request received, col. 5 lines 28 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mastie and Yanagidaira's because Yanagidaira's response would notify the status information of the device so the device can use information to perform necessary functions to be ready for being serviced.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mastie, US patent no. 6,515,756 in view of Yanagidaira, US patent no. 6,490,052, and in view of Teradaira, US patent no. 6,580,520.

7. As to claim 2, Mastie and Yanagidaira do not explicitly teach wherein the determining comprises the step of checking whether the amount of time taken to service the device is less than a decision threshold; and if the amount of time taken is less than the decision threshold, then determining that the computing device is to be identified as typically servicing the device.

Teradairas teaches the step of wherein the determining comprises the step of the decision threshold (threshold time, col. 7 lines 30 - 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mastie, Yanagidaira, and Teradaira's system because Teradaira's threshold time would provide a maximum time to wait for a service if the device is not available, and used to determine that the computing device is

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to be identified as typically servicing the device if the amount of time taken is less than the decision threshold.

8. Claims 3, 5 – 7, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa, US patent no. 6,348 Mastie, US patent no. 6,515,756.

9. As to claim 3, Owa teaches a computer implemented method comprising: checking an amount of pages took to service another device (figures 3, 4, 9a and 15); and determining, based at least in based on the speed, weather the manager device is a desired manager of the other device.

Owa does not explicitly the amount of time the manager device took to service another device. However, Owa teaches the print speed and the amount of sheets has been printed.

Mastie teaches the manager device check for available printer (determining the type of printer daemon to use,.....available in one of the controllers 8a, b, c, col. 5 lines 50 – 60),

It would have been for one of ordinary skill in the art at the time the invention was made to apply the teaching of Mastie to Owa's system because the manager device is well-know as to control the print tasks for all printers, and that the amount of time it took to service can be calculated base on the printed sheet and the speed of the printer.

3. **As to claim 5**, Owa teaches the step of wherein the manager device was not, when servicing the other device, the desired manager of the other device (figure 4).

4. **As to claim 6**, Mastie teaches the step of wherein the method is implemented by the manager device (printer manager 6, col. 5).

5. **As to claim 7**, Mastie teaches the step of wherein the method is implemented by a central database (global configuration table, col. 7 lines 58 – 56).

6. **As to claim 33**, this is the system claim of claim 3. See rejection for claim 3 above. Further, Owa teaches a device service table (table of figure 4) to store mappings of desired managers to managed devices; and Mastie teaches a selection module (printer manager, col. 5 lines 45 – 67 and col. 7 lines 43 – 67) coupled to access the device service table.

7. Claims 4 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa, US patent no. 6,348 in view of Mastie, US patent no. 6,515,756, and further in view of Teradaira, US patent no. 6,580,520.

8. As to claim 4, Owa and Mastie do not explicitly teach wherein the determining comprises the step of checking whether the amount of time taken to service the device is less than a decision threshold; and if the amount of time taken is less than the decision threshold, then determining that the computing device is to be identified as typically servicing the device.

Teradairas teaches the step of wherein the determining comprises the step of the decision threshold (threshold time, col. 7 lines 30 - 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Owa, Mastie, and Teradaira's system because Teradaira's threshold time would provide a maximum time to wait for a service if the device is not available, and used to determine that the computing device is to be identified as typically servicing the device if the amount of time taken is less than the decision threshold.

10. As to claim 34, see rejection for claim 4 above.

9. Claims 22, 29 - 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Mastie, US patent no. 6,515,756 in view of Combs, US patent no. 6,766,348.

10. As to claim 22, Mastie teaches one or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a computing device, causes the one or more processors to perform acts comprising:

Receiving a request for an identification of device information (printer manager 6 access configuration file to identify the print attributes, col. 5 lines 45 – 65 and col. 7 lines 42 – 67);

Identifying one or more devices for which the device manager is the desired manager (determining the type of printer daemon to use,...printer available in one of the controllers 8a, b, c, col. 5 lines 50 – 60);

for a plurality of additional devices for which the device manager is not the desired manager (check all printers to find the available one);

Mastie do not teach the step of checking whether a trigger condition is satisfied and for each device for which the device manager is not the desired manager and for which the trigger condition is satisfied, identifying the device to the device manager.

However, Mastie teaches the step of the device manager has the ability to identify the desired manager in all devices that would include not desired managers.

Combs teaches the step of checking whether a trigger condition before servicing the device (max wait duration, col.11 lines 35 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mastie and Combs's system because Combs's trigger condition would provide the flexibility for making the decision to select possible desired managers to be reserved for service.

11. **As to claims 29 and 30**, Mastie modified by Combs teach the step of wherein checking whether the trigger condition is satisfied comprises: generating a value (Combs; max wait duration, col. 11 lines 35 – 40); determining whether the value is within a range of trigger values (Combs; max wait duration, col. 11 lines 35 – 40); and determining that the trigger condition is satisfied if the value is within the range of trigger values.

12. **As to claim 31**, Mastie modified by Combs does not explicitly teach altering the condition over time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the condition to be suitable with the environment as needed.

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13. **As to claim 32**, Mastie teach the step of wherein the plurality of instructions further cause the one or more processors (inherent) to perform acts comprising servicing the device only if the device is due for service (it is one of the decisions).

14. **Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mastie, US patent no. 6,515,756 in view of Combs, US patent no. 6,766,348, and in view of Yanagidaira, US patent no. 6,490,052.**

15. **As to claim 23**, Mastie and Combs do not teach the step comprising of: receiving, from the device manager, an indication that at least one of the identified devices has been serviced; and updating a last service time for each of the identified devices.

Yanagidaira teaches the step of receiving, from the device manager, an indication that at least one of the identified devices has been serviced; and updating a last service time for each of the identified devices (printer information about printer operation including the time is updated with reference to the printer information database, col. 9 lines 25 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mastie, Combs, and Yanagidaira's

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system because Yanagidaira's updating information would allow the device manager to accurately select the device to be serviced.

16. Claims 24 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastie, US patent no. 6,515,756 in view of Combs, US patent no. 6,766,348, and further in view of Teradaira, US patent no. 6,580,520.

17. As to claim 24, Mastie and Combs do not teach the step of wherein checking whether a time taken by the device manager to service the device is less than a decision threshold; and if the time taken is less than the decision threshold, then identifying the device manager as the desired manager for the device.

Teradairas teaches the step of wherein the determining comprises the step of the decision threshold (threshold time, col. 7 lines 30 - 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mastie, Comb, and Teradaira's system because Teradaira's threshold time would provide a maximum time to wait for a service if the device is not available, and used to determine that the computing device is to be identified as typically servicing the device if the amount of time taken is less than the decision threshold.

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18. **As to claim 25**, Mastie teaches the step of wherein the method is implemented by the manager device (printer manager 6, col. 5).

19. **As to claim 26**, Combs teaches the step of wherein the decision threshold (max wait duration, col.11 lines 35 – 40) is equal to the amount of time taken by the last desired manager of the device to service the device.

20. **Claims 8 – 14, and 17 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tierney, US patent no. 4,682,304 in view of Mastie, US patent no. 6,515,756, and further in view of Combs, US patent no. 6,766,348.**

21. **As to claim 8**, Tierney teaches one or more computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a device manager, causes the one or more processors to perform acts comprising:

identifying a device to be serviced (table of address which point to the next availableoutputted to the associated output device, col. 16 lines 9 – 15).

Tierney does not teach the steps of checking whether the device is a desired manager to be serviced.

Mastie teaches the steps of:

checking whether the device manager is a desired manager for the device
(determining the type of printer daemon to use,...printer available in one of the
controllers 8a, b, c, col. 5 lines 50 – 60);

if the device manager is the desired manager for the device (after determining
the type select a printer, col. 5 lines 50 – 60), then servicing the device (invoke the
selected printer, col. 5 lines 50 - col. 6 lines 8).

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to combine the teaching of Tierney and Mastie's system because
Mastie's ability checking and selecting for the desired manager and servicing the device
would provide a determining and making a decision that the device to be serviced.

Tierney and Mastie do not teaches the step of checking whether a trigger
condition if the device manager is not the desired manager for the device.

Comb teaches the step of checking whether a trigger condition before servicing
the device (col. 11 lines 35 – 40).

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to combine the teaching of Tierney, Mastie, and Combs's system
because Combs's trigger condition would provide a flexibility for making the decision
that would wait for the device supposed to be serviced is not immediately available to
service.

22. **As to claim 9**, Tierney teaches the step of wherein identifying the device to be serviced comprises selecting the device from a table accessible to the device manager (table, col. 16 lines 9 – 15).

23. **As to claim 10**, Tierney teaches the step of wherein identifying the device to be serviced comprises receiving an indication (point to next, col. 16 lines 9 – 15) of the device from a central database.

24. **As to claim 11**, Tierney teaches the step of wherein the plurality of instructions further cause the one or more processors to perform acts comprising updating a last service time for the device (the oldest Devices, col. 16 lines 10 – 15).

25. **As to claim 12**, Tierney and Mastie modified by Combs teach the step of wherein checking whether a time taken by the device manager to service the device is less than a decision threshold (Combs; max wait duration, col.11 lines 35 – 40); and if the time taken is less than the decision threshold, then identifying the device manager as the desired manager for the device.

26. **As to claim 13**, see rejection for claim 9 above.

27. **As to claim 14**, Combs teaches the step of wherein the decision threshold ((max wait duration, col.11 lines 35 – 40) is equal to the amount of time taken by the last desired manager of the device to service the device.

28. **As to claim 17**, see rejection for claim 13 above.

29. **As to claims 18 and 19**, Tierney and Mastie modified by Combs teach the step of wherein checking whether the trigger condition is satisfied comprises: generating a value (max wait duration, col. 11 lines 35 – 40); determining whether the value is within a range of trigger values; and determining that the trigger condition is satisfied if the value is within the range of trigger values.

30. **As to claim 20**, Tierney and Mastie do not teach the step of altering the trigger condition over time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that condition may be changed as a design choice to be suitable with the environment.

31. **As to claim 21**, Tierney modified by Mastie teach the step of wherein the plurality of instructions further cause the one or more processors (inherent) to perform acts comprising servicing the device only if the device is due for service (it is one of the decisions).

Allowable Subject Matter

32. Claims 15, 16, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

33. Applicant's arguments with respect to claims 3 – 7 and 33 - 34 have been considered but are moot in view of the new ground(s) of rejection.

34. Applicant's arguments with respect to claim 1 – 2, and 8 - 32 have been fully considered but they are not persuasive.

35. Applicant argued in substance that

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- (1) Nowhere Mastie teaches determining based on the printer daemon that has already generated the output stream..... amount take to service the device.
- (2) Mastie does not teach receiving, from a device manager, a request for an identification of one or more devices.
- (3) Combs does not teach generating a random value and the trigger condition is satisfied if the random value is less than the particular value.
- (4) Mastie and Combs do not altering the trigger condition.
- (5) Combs does not teach the threshold

36. Examiner respectfully disagrees with applicant's remark.

As to point 1, the whole arguments applicant made is trying to point out sections examiner did not cite, repeat rejection, and stated that the prior art did not read on it. However, applicant failed to explain the invention and failed to point out how the prior art did not meet the claimed language. Many claimed languages are indefinite. This argument also discussed in the rejection 112 second paragraph above. Claim 1 does not read as the amount has already generated for the service. It is read on the amount of time available to service the device as disclosed in the specification. When the device is available, the amount of time taken (between the elapsed time to the time operate the next) is zero.

As to point 2, the identification is inherent for the device to distinguish one from another.

As to point 3, again, applicant does not clearly claimed what the condition is.

The term is also indefinite. Examiner reads it as max wait duration.

As to point 4, one skill in the art at the time the invention was made can modify the condition to meet the environment.

As to point 5, Threshold of the time is the max time it can wait, and Combs teach the max wait duration (col. 11).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph
February 19, 2006


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